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09/885,005	06/21/2001	Kazuo Kuroda	1767-83	3546

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EXAMINER	
SHIBRU, HELEN	

ART UNIT	PAPER NUMBER
2621	

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12/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/885,005	KURODA ET AL.	
	Examiner	Art Unit	
	HELEN SHIBRU	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,6,7,9,10,12-14,16,18,19,21,23,25-28,30,33,35-40 and 42-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,6,7,9,10,12-14,16,18,19,21,23,25-28,30,33,35-40 and 42-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *04/30/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendments filed on 08/07/2008 have been entered and made of record. Claims 1, 3, 6-7, 9-10, 12-14, 16, 18-19, 21, 23, 25-28, 30, 33, 35-40, and 42-48 are pending.

Response to Arguments

2. Applicant's arguments, filed 08/07/2008, with respect to the rejection(s) of claim(s) 1, 3, 6-7, 9-10, 12-14, 16, 18-19, 21, 23, 25-28, 30, 33, 35-40, and 42-48 under 35 U.S.C. 103(a) as being unpatentable over Utsumi (US Pat. No. 6,400,667) in view of Ishida (US PG PUB 2003/0133387 A1) and further in view of Tanigawa (US Pat. No. 5,973,681) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under 35 U.S.C. 103(a) as being unpatentable over Utsumi (US Pat. No. 6,400,667) in view of Ishida (US PG PUB 2003/0133387 A1) and further in view of Nakagawa (US Pat. No. 5,946,447).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3, 6-7, 9-10, 12-14, 16, 18-19, 30, 33, 35-40, 42-45 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi (US Pat. No. 6,400,667) in view of Ishida (US PG PUB 2003/0133387 A1) and further in view of Nakagawa (US Pat. No. 5, 946, 447)

Regarding claim 1, Utsumi discloses an information inputting apparatus for reading out main information from a recording medium and outputting the main information to an external apparatus to record the main information in an optical recording medium in the external apparatus (see col. 40 line 50-col. 42 line 50, picture files or text files are recorded on a disc, and also ATRAC data is recorded on the disc), comprising an outputting device for outputting main information including a plurality of partial information and recording position information showing a recording position of the partial information on the optical recording medium on which the partial information is to be recorded (see col. 3 line 54-col. 4 line 2, claims 13 and 19 where it shows the main management data and sub management data, which include the recording position information of the main data and the sub data, are writing onto the recording medium. See col. 33 lines 14-25, line 56-col. 34 line 6),

wherein the outputting device cyclically (continuously) outputs the whole of the main information (see col. 33 lines 46-55 and claim 1 data are outputted continuously), wherein in each session of outputting the whole of the same main information, the outputting device sequentially outputs the partial information and the recording position in accordance with an order of recording or reproducing, (see col. 16 lines 54-64, col. 13 lines 19-38, col. 14 line 33-col. 15 line 2, and col. 16 lines 49-64 and col. 30 lines 13-20, and figures 23A-E).

Claim 1 differs from Utsumi in that the claim further requires the recording position information comprises sector address information set in advance in the optical recording medium.

In the same field of endeavor Ishida teaches the recording position information comprises sector address information set in advance in the optical recording medium (see paragraph 0045

and claim 24). Therefore in light of the teaching in Ishida it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Utsumi by including sector address in order to control play back or recording position.

Claim 1 differs from Utsumi and Ishida in that the claim further requires outputting the same main information by repeatedly returning to the beginning of the main information when the end thereof is reached.

In the same filed of endeavor Nakagawa discloses data recorded on the logical format a physical and logical format of an optical disk (see abstract and col. 3 lines 22-35 and figure 1). See also what the SCD in figure 2 comprises, col. 3 lines 54-67, and a story control table as illustrated in figure 3. Nakagawa further teaches a track jump signal generation circuit calculates a track number by which tracks are jumped on the basis of the start sector number set (see col. 4 line 59-col. 5 line 13), and it jumps by about the set track numbers. See also step 603 in figure 6 where start sector number is set. Nakagawa discloses the track jump signal the jump operation is repeated (see col. 6 lines 33-49). Therefore in light of the teaching in Nakagawa it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above proposed combination by repeatedly outputting the same main information in order to eliminate storing a control table in the reproduction apparatus.

Regarding claim 3, Utsumi discloses the main information is compressed by a variable bit rate (see col. 34 lines 43-61).

Regarding claim 6, Utsumi discloses the main information includes reproduction controlling information for controlling a reproduction manner of the main information recorded in the recording medium, and the outputting device sequentially outputs the reproduction

controlling information, the partial information, and the recording position (see col. 3 line 54-col. 4 line 2. See also col. 9 lines 36-58. col. 13 lines 19-38, col. 14 line 33-col. 15 line 2, and col. 16 lines 49-64 and col. 30 lines 13-20, col. 45 lines 24-30, and figures 23A-E).

Regarding claim 7, Utsumi discloses the main information includes regulating information for regulating the number of times for copying after the main information is recoded in the recording medium (see col. 20 line 64-col. 21 line 15), and

the information outputting apparatus further comprises a changing device for generating changing recording position information by changing each of the recording position information in association with the regulating information (see col. 21 lines 26-38 and see claim 1 rejection and paragraph 3 above), and

the outputting device sequentially outputs at least the partial information and the changing recording position information, which is added to the partial information and is generated by the changing device, in accordance with the changing order information (see claim 1 rejection and paragraph 3 above, and col. 20 lines 1-17).

Regarding claim 9, Utsumi discloses an information recording apparatus for recording main information which is outputted from a recording medium in an information outputting apparatus, in an optical recording medium (see col. 9 lines 53-58 and col. 33 lines 21-25 and 34-40) wherein the information outputting apparatus comprises: an outputting device for outputting the main information including a plurality partial information (see col. 33 lines 21-25) and recording position information showing a recording position of the partial information on the optical recording medium on which the partial information is to be recorded, wherein the outputting device cyclically outputs the whole of the same main information, and in each session

of outputting the whole of the same main information, the outputting device sequentially outputs the partial information and the recording position information in accordance with an order of recording or reproducing (see col. 33 lines 14-20 and line 56-col.34 line 6, col. 39 lines 27-43 and col. 44 lines 30-40, controller (11) in fig. 1, and claim 1 rejection and paragraph 3 above),

wherein the information recording apparatus comprises:

an obtaining device for obtaining the outputted partial information and recording position information in the main information (see col. 42 line 63-col. 43 line 5, see also claim 1 rejection); and

a recording device for recording the obtained partial information in the optical recording medium by using the recording position information (see col. 8 line 29-47),

wherein the recording device determines whether the whole of one main information is completely recorded or not in accordance with the recorded recording position information (see col. 19 and 20, and claim 1 rejection and paragraph 3 above), and

when the recording device determines that the whole of the one main information is not completely recorded in session, the recording device records remaining partial information and recording position information in the one main information in another session (see paragraph 3 above),

wherein the recording position information has a predetermined relationship with address information set in advance in the recording medium (see col. 31 lines 18-27, col. 42 lines 42-50).

Claim 9 differs from Utsumi in that the claim further requires the recording position information comprises sector address information set in advance in the optical recording medium.

In the same field of endeavor Ishida teaches the recording position information comprises sector address information set in advance in the optical recording medium (see paragraph 0045 and claim 24). Therefore in light of the teaching in Ishida it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Utsumi by including sector address in order to control play back or recording position.

Claim 9 differs from Utsumi and Ishida in that the claim further requires outputting the same main information by repeatedly returning to the beginning of the main information when the end thereof is reached.

In the same filed of endeavor Nakagawa discloses data recorded on the logical format a physical and logical format of an optical disk (see abstract and col. 3 lines 22-35 and figure 1). See also what the SCD in figure 2 comprises, col. 3 lines 54-67, and a story control table as illustrated in figure 3. Nakagawa further teaches a track jump signal generation circuit calculates a track number by which tracks are jumped on the basis of the start sector number set (see col. 4 line 59-col. 5 line 13), and it jumps by about the set track numbers. See also step 603 in figure 6 where start sector number is set. Nakagawa discloses the track jump signal the jump operation is repeated (see col. 6 lines 33-49). Therefore in light of the teaching in Nakagawa it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above proposed combination by repeatedly outputting the same main information in order to eliminate storing a control table in the reproduction apparatus.

Regarding claim 10, Ishida discloses the recording device records the partial information in association with the recording position information at a recording position on the optical

recording medium, which is indicated by the sector address information associated with the obtained recording position information (see claim 1 rejection above).

Claim 12 is rejected for the same reason as discussed in claim 1 above.

Regarding claim 13, the limitation of claim 13 can be found in claim 1. Therefore claim 13 is analyzed and rejected for the same reason as discussed in claim 1 above.

Claim 14 is rejected for the same reason as discussed in claim 3 above.

Claim 16 is rejected for the same reason as discussed in claim 7 above.

Claim 18 is rejected for the same reason as discussed in claim 9 above.

Claim 19 is rejected for the same reason as discussed in claim 10 above.

Claim 30 is rejected for the same reason as discussed in claim 9 above.

Regarding claim 33, Utsumi discloses an output apparatus for reading out contents from a recording medium and outputting the contents for distribution to a recording apparatus to record the contents in an optical recording medium in the recording apparatus (see col. 31-33), the output apparatus comprising:

an outputting section for repeatedly outputting an entire information unit comprising a plurality of information pieces, each information piece being output with associated recording position information indicative of that information piece's recording position on the optical recording medium on which the information pieces are to be recorded (see figures 1, 29-31), and

a transmitting section for transmitting the information pieces and associated recording position information to a recording apparatus for recording the information pieces onto the optical recording medium in accordance with the recording position information (see figure 30 and rejection of claim 1 and paragraph 3 above).

Claim 33 differs from Utsumi in that the claim further requires the recording position information comprises sector address information set in advance in the optical recording medium.

In the same field of endeavor Ishida teaches the recording position information comprises sector address information set in advance in the optical recording medium (see paragraph 0045 and claim 24). Therefore in light of the teaching in Ishida it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Utsumi by including sector address in order to control play back or recording position.

Claim 33 differs from Utsumi and Ishida in that the claim further requires outputting the same main information by repeatedly returning to the beginning of the main information when the end thereof is reached.

In the same filed of endeavor Nakagawa discloses data recorded on the logical format a physical and logical format of an optical disk (see abstract and col. 3 lines 22-35 and figure 1). See also what the SCD in figure 2 comprises, col. 3 lines 54-67, and a story control table as illustrated in figure 3. Nakagawa further teaches a track jump signal generation circuit calculates a track number by which tracks are jumped on the basis of the start sector number set (see col. 4 line 59-col. 5 line 13), and it jumps by about the set track numbers. See also step 603 in figure 6 where start sector number is set. Nakagawa discloses the track jump signal the jump operation is repeated (see col. 6 lines 33-49). Therefore in light of the teaching in Nakagawa it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above proposed combination by repeatedly outputting the same main information in order to eliminate storing a control table in the reproduction apparatus.

Regarding claim 35, Utsumi discloses the information pieces are copy-controlled (see figures 19A and B).

Regarding claim 36, Utsumi discloses a recording apparatus for recording contents that are read out from a recording medium by an output apparatus, the recording apparatus comprising receiving section for receiving information pieces of an entire information unit repeatedly transmitted by the output apparatus, each information piece having associated recording position information indicative of that information piece's recording position on an optical recording medium on which the information pieces are to be recorded (see col. 28-29 and figures 30-31), and

a recording section for recording the received information pieces onto the optical recording medium, wherein the recording section uses the recording position information so that recording of the information pieces onto the optical recording medium can begin even if an information piece initially received by the receiving section is not the first information piece in a recording reproducing order and so that recording of the information pieces onto the optical recording medium can be completed during a subsequent one of the repeated transmissions of the entire information unit by the output apparatus (see col. 30-32 and figures 19b, 29-31).

Claim 36 differs from Utsumi in that the claim further requires the recording position information comprises sector address information set in advance in the optical recording medium.

In the same field of endeavor Ishida teaches the recording position information comprises sector address information set in advance in the optical recording medium (see paragraph 0045 and claim 24). Therefore in light of the teaching in Ishida it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Utsumi by including sector address in order to control play back or recording position.

Claim 36 differs from Utsumi and Ishida in that the claim further requires repeatedly returning to the beginning of the main information when the end thereof is reached.

In the same filed of endeavor Nakagawa discloses data recorded on the logical format a physical and logical format of an optical disk (see abstract and col. 3 lines 22-35 and figure 1). See also what the SCD in figure 2 comprises, col. 3 lines 54-67, and a story control table as illustrated in figure 3. Nakagawa further teaches a track jump signal generation circuit calculates a track number by which tracks are jumped on the basis of the start sector number set (see col. 4 line 59-col. 5 line 13), and it jumps by about the set track numbers. See also step 603 in figure 6 where start sector number is set. Nakagawa discloses the track jump signal the jump operation is repeated (see col. 6 lines 33-49). Therefore in light of the teaching in Nakagawa it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above proposed combination by repeatedly outputting the same main information in order to eliminate storing a control table in the reproduction apparatus.

Regarding claim 37, Utsumi discloses the recording section records the information pieces onto the optical recording medium so that the first information piece in the recording reproducing order is recorded at the beginning of a data area of the optical recording medium (see col. 22 lines 36-45).

Regarding claim 38, Utsumi discloses the recording section records the information pieces onto the optical recording medium so that the first information received by the receiving

section is recorded at the beginning of a data area of the optical recording medium (see col. 22 lines 36-45).

Regarding claim 39, Ishida discloses sector address medium at which that information for each information piece specifies a sector on the optical recording medium at which that information piece is to be recorded (see claims paragraphs 0052-0054).

Regarding claim 40, Utsumi discloses the receiving section is configured to receive information pieces communicated over a wide area network (see col. 21 lines 30-38, col. 22 lines 1-4, col. 25 lines 50-56).

Regarding claims 42-45, and 48, Utsumi discloses each of the recording position information is added to each of the partial information (see figs. 23A-E and col. 3 line 54-col. 4 line 2).

5. Claims 21, 23, 25-28, and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi in view of Ishida and further in view of Nakagawa and Official Notice.

Regarding claim 21, the limitations in this claim can be found in the apparatus claim 1. However claim 21 further requires a recording medium for storing a program causing the computer to execute steps as claimed in claim 1. Official Notice is taken that it is well known in the art to embody inventions in software to be executed by a computer. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teaching of the above proposed combination by having a record medium capable of being read by a computer tangibly embodying a program causing the computer to execute the steps of the method claim. The motivation for having a recordable by a computer is that such a method can be easily enhanced and executed multiple times.

Claim 23 is rejected for the same reason as discussed in claim 3 above.

Claim 25 is rejected for the same reason as discussed in claim 7 above.

Claim 26 is rejected for the same reason as discussed in claim 10 above.

Regarding claim 27, the limitations in this claim can be found in the apparatus claim 9. However claim 27 further requires a recording medium for storing a program causing the computer to execute steps as claimed in claim 9. Official Notice is taken that it is well known in the art to embody inventions in software to be executed by a computer. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teaching of the proposed combination by having a record medium capable of being read by a computer tangibly embodying a program causing the computer to execute the steps of the method claim. The motivation for having a recordable by a computer is that such a method can be easily enhanced and executed multiple times.

Claim 28 is rejected for the same reason as discussed in claim 10 above.

Claims 46-47 are rejected for the same reason as discussed in claim 42 above.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
November 24, 2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621